

MESSAGE NO: 4207113 MESSAGE DATE: 07/26/1994

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: REV-Revocation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-580-806, A-582-802, A-583-808

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/14/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: REVOCATION OF ANTIDUMPING ORDERS & TERMINATION OF ADMINISTRATIVE
REVIEWS ON SWEATERS FROM HONG KONG (A582-802), KOREA (A580-806), TAIWAN
(A583-808)

MESSAGE NO: 4207113

DATE: 07 26 1994

CATEGORY: ADA

TYPE: REV

REFERENCE:

REFERENCE DATE:

CASES: A - 582 - 802

A - 580 - 806

A - 583 - 808

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PERIOD COVERED: 07 14 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS

DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: REVOCATION OF ANTIDUMPING ORDERS & TERMINATION
OF ADMINISTRATIVE REVIEWS ON SWEATERS FROM
HONG KONG (A582-802), KOREA (A580-806), TAIWAN (A583-808)

FEDERAL REGISTER ON JULY 14, 1994, ITS NOTICE OF COURT DECISION,
REVOCATION OF ANTIDUMPING DUTY ORDERS AND TERMINATION OF
ADMINISTRATIVE REVIEWS ON SWEATERS WHOLLY OR IN CHIEF WEIGHT OF
MAN-MADE FIBER (MMF SWEATERS) FROM HONG KONG, KOREA, AND TAIWAN.

2. MMF SWEATERS ARE DEFINED AS GARMENTS FOR OUTERWEAR THAT ARE
KNITTED OR CROCHETED, IN A VARIETY OF FORMS INCLUDING JACKET,
VEST, CARDIGAN WITH BUTTON OR ZIPPER FRONT, OR PULLOVER,

USUALLY HAVING RIBBING AROUND THE NECK, BOTTOM, AND CUFFS ON THE SLEEVES (IF ANY), ENCOMPASSING GARMENTS OF VARIOUS LENGTHS, WHOLLY OR IN CHIEF WEIGHT OF MAN-MADE FIBER. THE TERM "IN CHIEF WEIGHT OF MAN-MADE FIBER" INCLUDES SWEATERS WHERE THE MAN-MADE FIBER MATERIAL PREDOMINATES BY WEIGHT OVER EACH OTHER SINGLE TEXTILE MATERIAL. THIS TERM EXCLUDES SWEATERS 23 PERCENT OR MORE BY WEIGHT OF WOOL. IT INCLUDES MEN'S, WOMEN'S, BOYS', OR GIRLS' SWEATERS, AS DEFINED ABOVE, BUT DOES NOT INCLUDE SWEATERS FOR INFANTS 24 MONTHS OF AGE OR YOUNGER. IT INCLUDES ALL SWEATERS AS DEFINED ABOVE, REGARDLESS OF THE NUMBER OF STITCHES PER CENTIMETER, PROVIDED THAT, WITH REGARD TO SWEATERS HAVING MORE THAN NINE STITCHES PER TWO LINEAR CENTIMETERS HORIZONTALLY, IT INCLUDES ONLY THOSE WITH A KNIT-ON RIB AT THE BOTTOM.

GARMENTS WHICH EXTEND BELOW MID-THIGH OR CARDIGANS THAT CONTAIN A SHERPA LINING OR HEAVY-WEIGHT FIBERFILL LINING, INCLUDING QUILTED LININGS, USED TO PROVIDE EXTRA WARMTH TO THE WEARER, ARE NOT CONSIDERED SWEATERS AND ARE EXCLUDED FROM THE SCOPE OF THE ORDER. ALSO SPECIFICALLY EXCLUDED FROM THE SCOPE ARE SWEATERS ASSEMBLED IN GUAM THAT ARE PRODUCED FROM KNIT-TO-SHAPE COMPONENT PARTS KNIT IN AND IMPORTED FROM HONG KONG, KOREA AND TAIWAN, AND ENTERING UNDER HARMONIZED TARIFF SCHEDULE (HTS) ITEM NUMBER 9902.61.

3. THE SUBJECT MERCHANDISE IS CURRENTLY CLASSIFIABLE UNDER HTS ITEM NUMBERS 6110.30.30.10, 6110.30.30.15, 6110.30.30.20, 6110.30.30.25, 6103.23.00.70, 6103.29.10.40, 6103.29.20.62, 6104.23.00.40, 6104.29.10.60, 6104.29.20.60, 6110.30.10.10, 6110.30.10.20, 6110.30.20.10, AND 6110.30.20.20. THIS MERCHANDISE MAY ALSO ENTER UNDER HTS ITEM NUMBERS 6110.30.30.50 AND 6110.30.30.55. THE HTS ITEM NUMBERS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES. OUR WRITTEN DESCRIPTION IS DISPOSITIVE.

4. ON AUGUST 11, 1993, THE UNITED STATES COURT OF INTERNATIONAL TRADE (CIT) AFFIRMED THE INTERNATIONAL TRADE COMMISSION'S (ITC) AMENDED DETERMINATION ON REMAND THAT THERE IS NO

MATERIAL INJURY TO THE U.S. INDUSTRY. THE CIT DECISION WAS APPEALED.

5. ON JULY 6, 1994, THE CIT DECISION WAS AFFIRMED BY THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT (CAFC). ON THE SAME DATE, THE ITC NOTIFIED THE DEPARTMENT OF THE FINAL COURT DECISION AFFIRMING ITS NEGATIVE REMAND DETERMINATION.
6. AS A RESULT OF THE ITC NOTIFICATION THAT THERE IS NO MATERIAL INJURY TO THE U.S. INDUSTRY OF THE SUBJECT MERCHANDISE, THE DEPARTMENT HAS REVOKED THE ANTIDUMPING DUTY ORDERS ON MMF SWEATERS FROM HONG KONG, TAIWAN, AND KOREA, EFFECTIVE APRIL 27, 1990.
7. CUSTOMS SHOULD TERMINATE THE SUSPENSION OF LIQUIDATION ON MMF SWEATERS FROM HONG KONG, KOREA, AND TAIWAN, AND PROCEED WITH LIQUIDATION OF ENTRIES OF THE SUBJECT MERCHANDISE WHICH ENTERED THE UNITED STATES, OR WERE WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION, ON OR AFTER APRIL 27, 1990, WITHOUT REGARD TO ANTIDUMPING DUTIES.
8. CUSTOMS SHOULD ALSO RELEASE ALL BONDS POSTED AND REFUND ALL CASH DEPOSITS, WITH INTEREST, ON ENTRIES OF MMF SWEATERS WHICH ENTERED THE UNITED STATES, OR WERE WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER APRIL 27, 1990. CALCULATE THE INTEREST PAYABLE FROM THE DATE OF ENTRY THROUGH THE DATE OF LIQUIDATION, USING THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE FOR SUCH PERIOD.
9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT LEON MCNEILL OF THE OFFICE OF ANTIDUMPING COMPLIANCE, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE AT (202) 482-4733.

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party